To: Mahler, Tom[mahler.tom@epa.gov]
From: Kappelman, David
Sent: Thur 1/5/2017 4:51:29 PM
Subject: FW: Preliminary scientific expert review of inadequate EPA protocols for Sampling in Spanish Village .

From: Stoy, Alyse
Sent: Thursday, January 05, 2017 10:42 AM
To: Kappelman, David <Kappelman.David@epa.gov>
Subject: FW: Preliminary scientific expert review of inadequate EPA protocols for Sampling in Spanish Village .

Dave –

Here is an email from the plaintiff's attorney that we'll discuss on our call today.

Alyse Stoy

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From: Richard S. Lewis [mailto:rlewis@hausfeld.com]
Sent: Monday, December 26, 2016 7:05 PM
To: Stoy, Alyse <Stoy.Alyse@epa.gov>
Cc: Daniel DeFeo <ddefeo@defeokolker.com>
Subject: FW: Preliminary scientific expert review of inadequate EPA protocols for Sampling in Spanish Village .

Dear Ms. Stoy :

We were able to reach two of the scientific experts tonight that we have consulted with and who has been collecting and publishing data from the Westlake community over the last three years . Their initial review of the EPA protocols indicate that the protocols are not specific for identifying the radioactive particles from the legacy Manhattan Project wastes , and are therefore inappropriate to use to determine the risks to Spanish Village residents . As I told you last month , this expert and his colleagues are available to meet with you at your earliest convenience to explain this and show you the data that confirms this . Please let us know when and where you want to meet with them . On behalf of the Daileys and other members of the community , we again request you reschedule the Spanish Village testing for early January , at a date after the time which you meet with the scientific experts who have done the testing and published the data from this community . If you proceed tomorrow based on the inappropriate protocols you first showed us today , the day after Christmas, this will surely indicate to the community that you have no regard for the scientific integrity of your work and instead are doing the defendants' bidding .

The nine (9) preliminary scientific expert observations on the inadequacy of the EPA protocols are as follows :

1. The EPA proposed method uses an improper protocol, equipment that is not sensitive enough for the job, and is inappropriate for the proposed purpose based on the site-specific and historic data that is already available to the agency.

2. The protocol uses gamma-detecting equipment to look for contamination that we know is primarily alpha-emitting. Then, based off of the data gathered from this equipment, they want to decide where to sample. Of course they will never find what the equipment is not designed to detect. This protocol and sampling method design is not specifically designed to look for the isotopes of concern and the potential transport vectors of concern.

3. The indoor testing protocol is equally problematic. EPA has suggested a protocol that is more suitable for establishing levels of surface contamination in controlled or restricted areas, not a detailed forensic analysis

4. The EPA protocol is designed to measure generic surface contamination and ambient short term radon in well-ventilated spaces only. We have been looking at residual particulate matter contamination in the house, and the impact those have on ingestion, dermal contact, and inhalation exposure. The EPA isn't looking for that, although it is critical to determining the risk here .

5. The EPA protocol seeks to catalog material like granite counter tops, glow in the dark dials, or other materials not relevant to the legacy Manhattan Project wastes at issue here .

6. The EPA probes are to move at a rate of 1 to 2 feet per second at a distance of a half foot away from surfaces. This is much too fast to register the types of contamination we have already identified and provided to the EPA . That test is more appropriate for a controlled radiation protection area inside a nuclear facility; not for a home.

7. They are not using probes of the proper sensitivity or with a short enough time constant, i.e. a short enough response factor, to detect hot spots.

8. They intend to measure gross activity, there is nothing in the protocol to measure radioactive particles.

9. There is no quantitative basis for how human judgment will be used to select samples. There is no discussion about what the contamination vectors could be, so how does the operator exercise judgment to find the contamination caused by wholly undefined vectors?

Thank you , Rich Lewis .